

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

07 NOV 16 AM 11:30

UNITED STATES OF AMERICA,

Plaintiff,

v.

Lucia ALVA-Medina,

Defendant

) Magistrate Docket No. 07 MJ 2684

) COMPLAINT FOR VIOLATION OF: DEPUTY

) Title 8, U.S.C., Section 1326
) Deported Alien Found in the
) United States

The undersigned complainant, being duly sworn, states:

On or about **November 14, 2007**, within the Southern District of California, defendant, **Lucia ALVA-Medina**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 16th DAY OF NOVEMBER 2007.



Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Lucia ALVA-Medina****PROBABLE CAUSE STATEMENT**

On November 14, 2007, the defendant **Lucia ALVA-Medina** was detained by the San Diego Sheriff's Office for possession of a controlled substance. The defendant was then turned over to the Immigration and Customs Enforcement Agency (ICE) after her immigration history was discovered. At that time, the defendant was processed for reinstatement of her prior formal order of removal dated August 19, 1998. On November 15, 2007 at approximately 2:50 p.m., the defendant was remanded to the U.S. Border Patrol. At approximately 4:15 p.m., Senior Patrol Agent M. Leal took custody of the defendant at the ICE Deportation Office at 880 Front Street in San Diego, California. Agent Leal identified himself as U.S. Border Patrol agent to the defendant and determined through an immigration interview that she was a citizen and national of Mexico illegally present in the United States. At this time, the defendant was arrested and transported to the Chula Vista Border Patrol station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 21, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.